

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

USOR SITE PRP GROUP,  
Plaintiff

V.

A&M CONTRACTORS, INC., et al

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§

CIVIL ACTION NO. 4:14-CV-02441

**ORIGINAL ANSWER AND AFFIRMATIVE DEFENSE OF DEFENDANT**  
**ENVIRONMENTAL EARTHWISE, INC.**

TO THE HONORABLE KENNETH M. HOYT, UNITED STATES DISTRICT JUDGE:

Defendant Environmental Earthwise, Inc. [hereinafter referred to as “EEW”] and in response to Plaintiff’s First Amended Complaint [hereinafter referred to as “complaint”] files this original answer containing its affirmative defense and would respectfully show the Court as follows:

**AFFIRMATIVE DEFENSE**

1. EEW pleads limitations as an affirmative defense in this matter in that some or all allegations against EEW are barred by the applicable federal and state statutes of limitations.

**ORIGINAL ANSWER**

2. EEW admits the allegations in paragraph 1 of the complaint.
3. EEW admits the allegations in paragraph 2 of the complaint.
4. EEW admits the allegations in paragraph 3 of the complaint.
5. EEW admits the allegations in paragraph 4 of the complaint.
6. EEW admits the allegations in paragraph 5 of the complaint.
7. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 6 of the complaint.

8. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 7 of the complaint.

9. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 8 of the complaint.

10. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 9 of the complaint.

11. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 10 of the complaint.

12. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 11 of the complaint.

13. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 12 of the complaint.

14. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 13 of the complaint.

15. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 14 of the complaint.

16. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 15 of the complaint.

17. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 16 of the complaint.

18. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 17 of the complaint.

19. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 18 of the complaint.

20. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 19 of the complaint.

21. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 20 of the complaint.

22. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 21 of the complaint.

23. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 22 of the complaint.

24. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 23 of the complaint.

25. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 24 of the complaint.

26. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 25 of the complaint.

27. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 26 of the complaint.

28. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 27 of the complaint.

29. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 28 of the complaint.

30. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 29 of the complaint.

31. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 30 of the complaint.

32. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 31 - 789 of the complaint.

33. EEW admits that it arranged for disposal of waste at the USOR site, but EEW is without sufficient information or knowledge to admit or deny the specific quantities or companies for whom the waste was delivered to the site as alleged in paragraph 790 of the complaint; EEW denies the remaining allegations in paragraph 790.

34. EEW denies the allegation in paragraph 790 that the waste materials delivered by EEW contained hazardous substances.

35. EEW denies the allegations in paragraph 791 of the complaint.

36. EEW admits the allegations in paragraph 792 of the complaint.

37. EEW admits that some waste arranged for disposal at USOR could be categorized as "solid waste" as alleged in paragraph 793 of the complaint.

38. EEW admits the allegations in paragraph 794 of the complaint.

39. EEW denies that it has refused to cooperate with the USOR Site Prp Group; EEW admits that it has not paid any response costs incurred by the USOR Site Group as alleged in paragraph 795 of the complaint.

40. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraphs 796 - 2334 of the complaint.

41. Other than the previous allegations which have been denied or to which EEW was without sufficient knowledge or information to admit or deny, EEW admits the allegations in paragraph 2335 of the complaint.

42. EEW admits the allegations in paragraph 2336 of the complaint.

43. EEW admits the allegations in paragraph 2337 of the complaint.

44. EEW admits the allegations in paragraph 2338 of the complaint.

45. EEW admits the allegations in paragraph 2339 of the complaint.
46. EEW admits the allegations in paragraph 2340 of the complaint.
47. EEW admits the allegations in paragraph 2341 of the complaint.
48. EEW admits the allegations in paragraph 2342 of the complaint.
49. EEW admits the allegations in paragraph 2343 of the complaint.
50. EEW admits the allegations in paragraph 2344 of the complaint.
51. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 2345 of the complaint.
52. EEW admits the allegations in paragraph 2346 of the complaint.
53. EEW denies the allegations in paragraph 2347 of the complaint.
54. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 2348.
55. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 2349.
56. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 2350.
57. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 2351.
58. EEW denies the allegations in paragraph 2352 that pertain to EEW.
59. Other than the previous allegations which have been denied or to which EEW was without sufficient information or knowledge to admit or deny, EEW admits the allegations in paragraph 2353 of the complaint.
60. EEW admits the allegations in paragraph 2354 of the complaint.

61. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 2355 of the complaint.

62. EEW denies the allegations in paragraph 2356 of the complaint.

63. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 2357 of the complaint.

64. EEW admits that the referenced statutes provide for contribution but denies that EEW is liable to Plaintiff for any contribution for damages or applicable interest as alleged in paragraphs 2358 of the complaint.

65. Other than the previous allegations which have been denied or to which EEW was without sufficient information or knowledge to admit or deny, EEW admits the allegations in paragraph 2359 of the complaint.

66. EEW admits the allegations in paragraph 2360 of the complaint.

67. EEW admits the allegations in paragraph 2361 of the complaint.

68. EEW admits the allegations in paragraph 2362 of the complaint.

69. EEW denies the allegations in paragraph 2363 of the complaint.

70. Other than the previous allegations which have been denied or to which EEW was without sufficient information or knowledge to admit or deny, EEW admits the allegations in paragraph 2364 of the complaint.

71. EEW admits the allegations in paragraph 2365 of the complaint.

72. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 2366 of the complaint.

73. EEW admits the allegations in paragraph 2367 of the complaint.

74. EEW admits the allegations in paragraph 2368 of the complaint.

75. EEW admits the allegations in paragraph 2369 of the complaint.

76. EEW admits the allegations in paragraph 2370 of the complaint.

77. EEW admits the allegations in paragraph 2371 of the complaint.

78. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 2372.

79. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 2373.

80. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 2374

81. EEW denies the allegations in paragraph 2375 of the complaint.

82. Other than the previous allegations which have been denied or to which EEW was without sufficient information or knowledge to admit or deny, EEW admits the allegations in paragraph 2376 of the complaint.

83. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 2377 of the complaint.

84. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 2378 of the complaint.

85. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 2379 of the complaint.

86. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 2380 of the complaint.

87. EEW is without sufficient information or knowledge to admit or deny the allegations in paragraph 2381 of the complaint.

Respectfully submitted,

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CHARLES O. GRIGSON  
ATTORNEY FOR DEFENDANT  
ENVIRONMENTAL EARTH WISE, INC.

**CERTIFICATE OF SERVICE**

I, Charles O. Grigson, do hereby certify that a true and correct copy of the foregoing instrument has been served on the following named attorney(s) in accordance with the Texas Rules of Civil Procedure, as indicated below, on the 14<sup>th</sup> day of Dec. 2015.

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